## UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: DAVID BALDERSON and : CHAPTER 13

CHERIE BALDERSON

Debtor(s)

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CHARLES J. DEHART, III

STANDING CHAPTER 13 TRUSTEE

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Movant

VS.

:

DAVID BALDERSON and

CHERIE BALDERSON

Respondent(s) : CASE NO. 1-15-bk-02783

## TRUSTEE'S OBJECTION TO SECOND AMENDED CHAPTER 13 PLAN

AND NOW, this 23rd of October, 2017, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)' plan for the following reason(s):

1. Debtor(s)' plan violates 11 U.S.C. Sec. 1322(a)(1) in that the debtor(s) has not submitted all or such portion of the disposable income to the Trustee as required. More specifically,

Trustee alleges and avers that debtor(s)' disposable income is greater than that which is committed to the plan based upon the Means Test calculation and specifically disputes the following amounts:

- a. Plan payment calculation sum of Lines 34, 35, 36, 45.
- 2. The Trustee avers that debtor(s)' plan is not feasible based upon the following:
  - a. The plan is underfunded relative to claims to be paid 100% plan.
- 3. Trustee avers that debtor(s)' plan is not feasible and cannot be administered due to the lack of the following:
  - a. Proof of Claim for York Area Tax Bureau.

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

Charles J. DeHart, III Standing Chapter 13 Trustee 8125 Adams Drive, Suite A Hummelstown, PA 17036 (717) 566-6097

BY: <u>/s/James K. Jones</u> Attorney for Trustee

## CERTIFICATE OF SERVICE

AND NOW, this 23rd day of October, 2017, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Keith DeArmond, Esquire 18 South George Street, Ste 610 York, PA 17401

/s/Deborah A. Behney
Office of Charles J. DeHart, III
Standing Chapter 13 Trustee